

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**BROOKHAVEN MEDICAL, INC. AND FUTURE
MATRIX, INC., as Joint and/or Single Employers**

and

Case 15-CA-170531

DAVID DEPOYSTER

ORDER¹

The petition to revoke subpoena duces tecum B-1-RH1303, filed by Brookhaven Medical, Inc. and Future Matrix, Inc., is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioners have failed to establish any other legal basis for revoking the subpoena.² See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., July 20, 2016

MARK GASTON PEARCE, CHAIRMAN

KENT Y. HIROZAWA, MEMBER

LAUREN McFERRAN, MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² To the extent that the subpoena encompasses documents that the Petitioners believe in good faith to be subject to the attorney-client privilege or the attorney work-product doctrine, this Order is without prejudice to the Petitioners' prompt submission of a privilege log to the Region identifying and describing each such document, and providing sufficient detail to permit an assessment of their claim of privilege or protection. The Petitioners are directed to produce all responsive documents in its possession not subject to any good-faith claim of privilege or protection.